



California Regulatory Notice Register

REGISTER 2009, NO. 41-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 9, 2009

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2009-0928-03 1761

MULTI-COUNTY: Muroc Joint Unified School District
Turlock Unified School District

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Local Mental Health Services Fund Cash Flow Statement — Notice File No. Z2009-0929-01 1762

TITLE 13. CALIFORNIA HIGHWAY PATROL

Color requirements for law enforcement vehicles — Notice File No. Z2009-0923-02 1764

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Combining Wages From Two or More States For UI Claims — Notice File No. Z2009-0928-01 1765

TITLE 22. EMPLOYMENT TRAINING PANEL

Amendments to June 2009 Regulatory Package — Notice File No. Z2009-0928-02 1768

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

No Significant Risk Level for Fumonisin B1 — Notice File No. Z2009-0929-04 1771

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Monitoring California Least Tern Nesting Colonies 1773

DEPARTMENT OF PESTICIDE REGULATION

*Extension of Public Comment Period Regarding Amendment of its Conflict of Interest Code
Published on August 7, 2009* 1774

(Continued on next page)

*Time-
Dated
Material*

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Addendum to DOM Sections 53130.6.2 and 53130.7.2 Group Privileges and Restrictions 1774

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

CENTER VALLEY REGIONAL WATER QUALITY CONTROL BOARD
Memorandum titled Management Guidance for Salinity in Waste Discharge Requirements 1776

QUARTERLY INDEX OF REGULATORY ACTIONS

July 1, 2009–September 30, 2009 1777

DISAPPROVAL DECISION

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE 1784

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1785
Sections Filed, April 29, 2009 to September 30, 2009 1787

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Muroc Joint Unified School District
Turlock Unified School District

A written comment period has been established commencing on **October 9, 2009**, and closing on **November 23, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Fisher, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 23, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

NOTICE OF PROPOSED RULEMAKING

TITLE 9. CALIFORNIA CODE OF REGULATIONS REPEAL SECTION 3520 REGARDING LOCAL MENTAL HEALTH SERVICES FUND CASH FLOW STATEMENT

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Department of Mental Health (DMH) is proposing to take the action described in the Informative Digest.

Any interested person may submit written statements, arguments, or comments relating to this proposal by submitting them in writing no later than November 23, 2009, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person listed below.

A public hearing regarding this proposal has not been scheduled; however any interested person or his or her duly authorized representative may request that one be held, no later than November 6, 2009, by contacting the person listed below.

Following the public comment period the Department of Mental Health may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005.1, 4027 and 5898 of the Welfare and Institutions Code, and

to implement, interpret or make specific sections 5847(e), 5804(d) and 5892(f) of the Welfare and Institutions Code, the Department of Mental Health (DMH) is seeking changes to Division 1 of Title 9 of the California Code of Regulations as follows: Repeal Section 3520.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California voters approved Proposition 63 during the November 2004 General Election. Proposition 63 became effective on January 1, 2005 as the Mental Health Services Act (MHSA). The MHSA expands mental health services to children/youth, adults and older adults who have serious mental illness or serious emotional disturbance and whose service needs are not being met through other funding sources. Through imposition of a 1% tax on personal income in excess of \$1 million, the MHSA provides the opportunity for the Department of Mental Health (DMH) to offer increased funding, personnel and resources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

The MHSA directs the county mental health programs to develop and submit a three-year plan to DMH, which DMH has called the Three-Year Program and Expenditure Plan (Plan). The Plan is comprised of five components of activities and/or services for which the funding established under the MHSA can be spent. The components are Community Services and Supports for children, transition-age youth, adults and older adults; Capital Facilities and Technological Needs; Workforce Education and Training; Prevention and Early Intervention; and Innovative Programs.

Given the scale of each component, DMH is implementing each component on a sequential and/or phased-in approach. Accordingly, regulations related to each component are being drafted through a concurrent process as the MHSA components are developed. The Department drafted regulations governing the Community Services and Supports first and these were made final in February 2008. Since it was imperative that the Department begin to distribute funds to the Counties to allow the programs and services to commence, the Department included in this initial regulatory package, fiscal reporting requirements and implemented regulations based on its authority in the law and its current accounting system.

This Informative Digest accompanies the proposed repeal of Section 3520 of California Code of Regulations Title 9, Division 1, Chapter 14, Article 5, Reporting Requirements since the Department's distribution of MHSA Funds to the County no longer requires

completion of the semi-annual report, documented in CCR Section 3520, Local Mental Health Services Fund Cash Flow Statement.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESSES

The Department of Mental Health has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The impact is limited to County budget offices who would have performed the financial calculations related to completing the Cash Flow Statement and does not require any significant change in their business practices.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The Department of Mental Health has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department of Mental Health is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

CONSIDERATION OF ALTERNATIVES

The Department of Mental Health must determine that no reasonable alternative which it has considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

CONTACT PERSONS

Inquiries concerning the proposed adoption of these regulations and written comments may be directed to:

Jon Cordova
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Mark Heilman
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1443

Comments may also be submitted by facsimile (FAX) at (916) 651-3852 or by e-mail to regulations@dmh.ca.gov. Comments must be submitted prior to 5:00 p.m. on November 23, 2009.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department of Mental Health has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Department of Mental Health at 1600 9th Street room 435, Sacramento, CA

95814. These documents may also be viewed and downloaded from the DMH website at www.dmh.ca.gov.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal may be found at www.dmh.ca.gov.

**TITLE 13. CALIFORNIA HIGHWAY
PATROL**

**DEPARTMENT OF CALIFORNIA HIGHWAY
PATROL**

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS,
DIVISION 2
AMEND CHAPTER 5, ARTICLE 5, SECTION 1141

**Color Requirements for Traffic Law
Enforcement Vehicles
(CHP-R-2009-05)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to color requirements for traffic law enforcement vehicles.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Section 2402 of the California Vehicle Code (CVC) authorizes the CHP to adopt regulations establishing standards and specifications for, among other items, the color requirements for traffic law enforcement vehicles. Color requirements for traffic law enforcement vehicles are contained in 13 CCR, Division 2, Chapter 5, Article 5.

Color requirements for traffic law enforcement vehicles are described in 13 CCR, Section 1141. The CHP proposes to amend Section 1141 by allowing painted and decal stripes that are used on traffic law enforcement vehicles to be wider than six inches provided that the stripe does not interfere with the contrast or legibility of the indicia or name of the governmental entity operating the vehicle. In doing so, the revised color requirements will permit law enforcement agencies to install distinctive graphic packages on traffic law enforcement vehicles.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Mr. Cris Morgan
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., November 23, 2009.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, CVS at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 444 North Third Street, Suite 310, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cris Morgan or Mr. Gary Ritz, CHP, CVS, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district, nor costs or savings to any state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 2402 CVC.

REFERENCE

This action implements, interprets, or makes specific Section 2402 and Section 40800 CVC.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations Sections 455.5-6, 455.5-7, and 455.5-8

COMBINING WAGES FROM TWO OR MORE STATES FOR UNEMPLOYMENT INSURANCE CLAIMS

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), title 22, sections 455.5-6, 455.5-7, and 455.5-8 in order to comply with Federal law in administration of the unemployment compensation (UC) program.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Social Security Act of 1935 (42 United States Code (U.S.C.) section 501 et seq) created the Federal-State partnership responsible for administering the UC program. States must conform to these Federal laws or face possible loss of federal administrative funding and federal tax credits to employers doing business in that state. 42 U.S.C. section 503(a)(1) specifies that the Secretary of the U.S. Department of Labor (DOL) shall make no certification for payment to states unless he/she finds that the state laws have provisions requiring methods of administration reasonably calculated to insure full payment of UC benefits “when due”.

Thus, all States must comply with Federal law in administration of the UC program. Specifically, the Federal law requires all State UC agencies to operate in accordance with such rules, regulations, and procedures prescribed by the Secretary in consultation with the State UC agencies. Failure of a state’s UC laws and regulations to conform to, and substantially comply with, Federal law can result in the state’s UC administrative grant funds being withheld. In State Fiscal Year 2008–2009, the budget authority funding for California’s Unemployment Insurance administration is \$488,626,000 (this amount includes funding for the California Unemployment Insurance Appeals Board).

As part of the UC program, all fifty states, plus the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, are required to participate in the Interstate Arrangement for Combining Employment and Wages (Interstate Arrangement), as specified in 26 U.S.C. section 3304(a)(9)(B). The Interstate Arrangement is approved by the Secretary of the DOL under 26 U.S.C. section 3304(a)(9)(B). This arrangement requires each state, as a condition of participation in the Federal-State UC program, to participate in any arrangement specified by the Secretary for payment of UC on the basis of combining employment and wages of two or more States.

This requirement is also codified in California law under California Unemployment Insurance Code (CUIC) section 455.5, which provides: “This state shall participate in any arrangements for the payment of compensation on the basis of combining an individual’s wages and employment covered under this division with his wages and employment covered under the unemployment compensation law of other states which are approved by the Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations. Any such arrangement shall include provisions for both of the following: (a) Applying the base period of a single state

law to a claim involving the combining of an individual’s wages and employment covered under two or more state laws. (b) Avoiding duplicate use of wages and employment by reason of such combining.”

The Combined Wage Claim (CWC) program allows an unemployed individual with employment and wages in more than one State to combine his or her wages to establish a CWC under the law of a single State called the “Paying State” in order to qualify for benefits or to receive additional benefits (i.e. an increased weekly benefit amount).

On October 23, 2008, the DOL published a final rule in the Federal Register (FR), (73 FR 63068), which revised the definition of the term “Paying State” contained in Title 20, Code of Federal Regulations (CFR) section 616.6. The DOL made the following statement at 73 FR 63071: “All States must convert to the new definition of “Paying State” at the same time; failure to achieve this would be confusing and unfair to claimants and the employers who bear the benefit costs and would create additional implementation issues. To assure that all States have adequate time to address operational issues, including training new staff, the final rule will be effective January 6, 2009.” Thus, all CWCs filed under the Interstate Arrangement must be filed under this new definition specified in the amended Federal regulation, which became effective January 6, 2009.

Due to the amended definition of the term “Paying State”, the individual must have wages and employment in the paying State’s base period to potentially qualify for a CWC under that State’s law. Prior to this change, a claimant residing in a State in which no work and wages were earned could file a CWC against that State. This practice is no longer allowed pursuant to the new Federal regulation.

These amendments to the California regulations are necessary to ensure the continuation of Federal administrative funding for the administration of the UC program that provides UC benefits to unemployed Californians. If this regulatory action is not adopted, the Department and the State of California will be out of conformity with Federal law, specifically, the Federal regulations at 20 CFR 616.6, 616.7, and 616.8, as revised in 73 FR 63068. For this reason, the Department must revise its regulations to conform to these Federal regulations or risk the possible loss of Federal administrative funding. Without the Federal administrative funds, California will not have the necessary funding to continue administering and operating the UC program. Without such administrative funding, the processing of claims for UC benefits will be substantially delayed and thousands of unemployed Californians will experience lengthy delays in receiving UC benefits. Without administrative funding, the Department would not have necessary funding to administer the program to provide

direct services to claimants. Claimants would not be able to receive critical financial income to assist them in purchasing basic necessities such as food, shelter, etc. The Department services over one million UC claimants annually who would be directly impacted by the Department's inability to process their UC claims and payments.

Authority and Reference:

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Section 455.5, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact:

The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. There will be no adverse impact on businesses because this regulatory action will prevent claimants who have not worked in California from collecting benefits under California laws. This regulatory action also reduces the State's cost of processing these claims associated with workload activities. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Anticipated impact on housing costs: The proposed amendments will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The proposed amendments will have no effect on small businesses because they do not impose any new mandates on small businesses. The proposed amendments do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that the proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than November 23, 2009, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-7712

Fax No.: (916) 654-9069

E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Deanna Asuncion, Senior Staff Counsel
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on November 23, 2009.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the

Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend Sections 4402.2, 4406, 4409, 4420, 4420.5, and 4426 of the California Code of Regulations. The initial Statement of Reasons and Express Text of the proposed action are accessible through the *Pending Regulatory Actions* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is contained in Unemployment Insurance (UI) Code Section 10205(m). In general, the proposed regulatory action will implement, interpret and make specific UI Code Section 10200 *et seq.*

The Panel is implementing, interpreting and making specific Unemployment Insurance Code Section 10209(d), for both proposed actions.

INFORMATIVE DIGEST

A summary of each proposed amendment and its purpose is set forth below.

1. Amend Section 4402.2 Critical Proposal

Under existing Section 4402.2, Critical Proposals may be approved for reimbursement at up to 25% above the standard rates for Retraining and New Hire training. The Panel may also modify retention, turnover rate, laboratory training and other basic program requirements on a case-by-case basis.

The Critical Proposal designation is made, in the first instance, by the Executive Director based on four specific factors in Section 4402.2(a)(2). However, Section 4402.2(a)(3) provides: "Critical proposals shall be initiated by a participating State of California economic development entity. . ." The proposed amendment would delete this inconsistent statement and make other classifications.

2. Amend Section 4406, New Hire Training

Existing Section 4406(a) sets a dollar cap on New Hire Training based on the average cost-per-trainee paid in the prior Fiscal Year. At the current reimbursement rate of \$17 per training hour, the average cost-per-trainee is now capped at \$4,854.

On August 11, 2009, the Panel increased the New Hire Training Rate from \$17 to \$20 per training hour. Unless the dollar cap is revised, this increase in the New Hire Training Rate will reduce the maximum allowable training hours.

This amendment would eliminate the dollar cap based on the average cost-per-trainee paid in the prior Fiscal Year. In place of the numerical dollar cap, the Panel would test the concept of a 260-hour cap, to be applied on a case-by-case basis.

After the conclusion of a test period, the Panel will implement a specific hourly cap for New Hire Training in a new or amended regulation.

3. Amend Section 4409, Special Employment Training Projects

Under existing Section 4409(a), the Panel may allocate up to 10% of the annually available training funds for Special Employment Training (SET). The 10% allocation was increased to 15% in 2009. (AB2570, UI Code Section 10214.5) Accordingly, Section 4409(a) will be amended to provide that the Panel may allocate up to 15% of the annually available training funds for SET.

Under existing Section 4409(a), SET projects may be funded to improve the skills of frontline workers who earn at least the statewide average hourly wage. The statewide average hourly wage is currently \$23.64. There are exceptions to this minimum for trainees with "multiple barriers" to employment and for trainees in a High Unemployment Area. The proposed Section 4409(a)(6) creates a third exception for trainees in an industry sector identified by the Panel as a funding priority in accordance with Unemployment Insurance Code Section 10200(b), or for training under a Critical Proposal within the meaning of 22 CCR Section 4402.2. The wage modification permitted by proposed Section 4409(a)(6) would be made on a case-by-case basis, up to 25% below the state average hourly wage.

Under existing Section 4409(b), the Panel may fund a SET project in a High Unemployment Area. In so doing, the Panel may waive the minimum wage requirement and/or modify the standard retention period. Existing Section 4409(b) refers to 22 CCR 4429. The proposed amendment clarifies that the procedure for a SET wage modification in a High Unemployment Area shall be in accordance with Section 4429.

4. Amend Section 4420, Literacy Training

Under existing Section 4420, funding for basic skills and literacy training requires a written evaluation of in-

dividual trainee literacy needs. The proposed amendments to Section 4420 eliminate this impediment, and cost, to the funding of literacy training.

Existing Section 4420 also limits the funding of basic and literacy skills training hours to 45% of the total vocational training hours per trainee. The proposed amendments to Section 4420 change and simplify this limitation to 45% of the total training hours per trainee.

5. Amend Section 4420.5, Safety Training

Existing Section 4420.5 differentiates between general safety training, which is not funded at all, special safety training, which may be funded at not more than 10% of job related vocational training hours, and intensive safety training, such as may be found in some environmental clean-up procedures, which is not subject to a percentage cap.

The proposed amendments to Section 4420.5 delete an out-dated reference to 8 CCR Subchapter 7; clarify the distinction between general safety training and special safety training; and limit special safety training to 10% of total training hours. The proposed amendments also clarify that intensive safety training is not subject to the percentage restrictions of special safety training.

6. Amend Section 4426, Training Agency Projects

Existing Section 4426 does not distinguish between public and private schools, colleges and training academies, refers to and requires that certain training agencies be certified by the now defunct Council for Private Postsecondary and Vocational Education (Council), and provides for various requirements that must be met before a training academy can administer a contract, apart from training delivery.

The proposed amendments to Section 4426 distinguish between public and private schools, colleges and training academies; deletes reference to the Council; and provides that a training agency may function as either the contract administrator, training provider, or as both.

In addition, the proposed amendments provide that public entities must be certified by the California Department of Education or an appropriate third party certifying organization. Private training schools must be approved by an independent third party certifying organization that is satisfactory to the Panel, on a case-by-case basis.

The necessity for all actions proposed above are set forth in the Initial Statement of Reasons.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures as required by Government Code Section 11346.2.

A. Fiscal Impact. The proposed actions do not impose costs or savings requiring reimbursement under Section

17500 *et seq.* of the Government Code. Also, these actions do not impose non-discretionary costs or savings to any local agency; nor do the impact federal funding for the State. The proposed actions do not impose costs, nor do they effect any cost or savings on any other state agency. They would result in preserving ETP funds for a more equitable distribution among a more diverse group of employers.

B. Cost Impacts. The Panel is aware of a minor cost impact that will, if anything, benefit businesses applying for ETP funds. This is the proposed amendment at Section 4426, which will allow private, post-secondary vocational schools to obtain certification other than through the now-defunct Bureau of Private Postsecondary and Vocational Education (BPPVE). Specifically, the Panel will accept an alternative certification through a process developed in collaboration with the South Bay Workforce Investment Board, estimated to be less costly than BPPVE.

C. Adverse Impact on Business. The proposed actions do not have any significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These actions would have a positive effect since they would better implement the statutory goal of achieving a “broad and equitable distribution of funds” pursuant to Unemployment Insurance Code Section 10209(d). The overall purpose of the Panel’s program is to enhance the ability of California businesses to meet the challenge of competition from other states.

D. Effect on Small Business. The proposed actions will not affect small businesses unless they seek training funds. Since this action would clarify, update and simplify the Panel’s standards for reviewing and funding training proposals, this would be a positive effect, as stated above.

E. Effect on Jobs and Business Expansion. The proposed actions would not create or eliminate jobs in California. Nor would they create new businesses or eliminate existing businesses in California. These actions would not directly affect the expansion of businesses currently operating in California.

The overall intent and purpose of the ETP program is to foster job creation and the retention of high-wage, high-skilled jobs that are threatened by out-of-state competition. (U.I. Code Section 10200(a).) The Panel must give funding priority to projects that would train new employees of firms locating or expanding in the state; train displaced workers, and develop workers with skills that prepare them for the challenges of a high performance workplace. (U.I. Code Section 10200(b).) Thus, the panel has made an initial determination that the proposed action may encourage the retention of jobs and businesses in California, in the sense that it would

enhance the Panel’s ability to implement the purpose of the ETP program.

F. Imposed Mandate. The proposed actions do not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons, than the proposed action. The Panel has made an initial determination that there is no reasonable alternative to the regulatory proposed action that would be more effective in carrying out its purpose, or would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on October 9, 2009 and ending at 5:00 p.m. on November 23, 2009. Any interested person, or his or her authorized representative, may present written comments on the proposed actions within that time period. Comments should be sent to:

William Stuart, Staff Counsel
Employment Training Panel, Legal Unit
1100 “J” Street, Fourth Floor
Sacramento, California 95814
Telephone: (916) 327-5578
E-mail: wstuart@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to Mr. Stuart at the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

Modifications to the text of the proposed regulatory actions may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to Mr. Stuart. Any modifications will be open to public comment for at least 15 days before being adopted, as noticed on the ETP Website.

ETP will make the modifications available to all persons who submit written comments or testify, or who request notification.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed actions, and has compiled all information on which the actions were based. This statement, along with the express text of the proposed actions and the written information on which they were based, are available for inspection at the written comment address shown above. Any inquiries should be directed to Mr. Stuart.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the addresses shown above. Again, any inquiries should be directed to Mr. Stuart.

This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed actions are also posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of the proposed actions and the modified text (if any), and the Initial Statement of Reasons, should be directed to Mr. Stuart at the written comment address shown above. In addition, the "rulemaking file" of information on which the proposed actions are based is also available for inspection upon request made to Mr. Stuart.

In the event Mr. Stuart is unavailable, inquiries regarding the proposed regulatory actions should be directed to General Counsel Maureen Reilly at the same address or by phone at (916) 327-5422 or email at mreilly@etp.ca.gov.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 27, CALIFORNIA CODE
OF REGULATIONS

AMENDMENT TO SECTION 25705
SPECIFIC REGULATORY LEVELS POSING
NO SIGNIFICANT RISK

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHHA) pro-

poses to establish a specific regulatory level posing no significant risk for fumonisin B₁ and amend Title 27, California Code of Regulations, Section 25705(d).¹

PUBLIC PROCEEDINGS

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHHA by 5:00 p.m. on **November 23, 2009**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action can be sent by mail or by fax addressed to:

Susan Luong
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P. O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900
sluong@oehha.ca.gov

Comments sent by courier should be delivered to:

Susan Luong
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

It is requested but not required that hard-copy statements or arguments be submitted in triplicate.

A public hearing to present oral comments will be scheduled only upon request. Such request must be submitted in writing no later than 15 days before the close of the comment period on **November 23, 2009**. The written request must be sent to OEHHHA at the address listed above no later than **November 9, 2009**. A notice for the public hearing, if one is requested, will be mailed to interested parties who are on the Proposition 65 mailing list for regulatory public hearings and posted on the OEHHHA Web site at least ten days in advance of the public hearing date. The notice will provide the date, time, location and subject matter to be heard.

If a hearing is scheduled and you have special accommodation or language needs, please contact Susan Luong at (916) 445-6900 or sluong@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning processing of the action described in this notice to Susan Luong in writing

¹ All further regulatory references are to Title 27 (formerly Title 22) of the California Code of Regulations unless otherwise indicated.

at the address given above, or by telephone at (916) 445-6900. Cynthia Oshita is a back-up contact person for inquiries concerning processing of this action and is available at the same telephone number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.* and commonly known as Proposition 65 (hereinafter referred to as “the Act”), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual (Health and Safety Code Section 25249.6). The Act also prohibits such persons from knowingly discharging a listed chemical into water or onto or into land where such chemicals pass or probably will pass into any source of drinking water (Health and Safety Code Section 25249.5).

For chemicals known to the State to cause cancer, an exemption from the above requirements is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which he or she is responsible poses no significant risk or that a discharge which otherwise complies with all applicable requirements would not cause any significant amount of the discharged or released chemical to enter any source of drinking water (Health and Safety Code Sections 25249.9 and 25249.10). A determination that a level of exposure poses no significant risk may be made utilizing regulations that have previously been adopted by OEHHA (Sections 25701-25721). Section 25701 describes alternative methods for making such a determination. Section 25705 sets forth the process by which OEHHA may identify specific regulatory levels for determining “no significant risk” for purposes of Proposition 65.

Details on the basis for the proposed level are provided in the reference cited below, which is incorporated in the rulemaking record. The reference is a risk assessment document prepared by OEHHA describing and summarizing the derivation of the regulatory level listed below.

This amendment to Section 25705(d) would adopt the following No Significant Risk Level (NSRL) for one chemical listed as known to cause cancer:

Chemical	NSRL, in units micrograms per day	Reference
Fumonisin B ₁	1.5	OEHHA (2009)

The risk assessment used by OEHHA to determine the stated level is as follows:

Office of Environmental Health Hazard Assessment (OEHHA, 2009). Expedited Cancer Potency Value and No Significant Risk Level (NSRL) for the Proposition 65 Carcinogen Fumonisin B₁. OEHHA, Reproductive and Cancer Hazard Assessment Branch, California Environmental Protection Agency, Oakland, October 2009.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting

businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small businesses. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the initial statement of reasons, a copy of the text of the regulation and a copy of the risk assessment which was used by OEHHA to determine the NSRL are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated

above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing if one was held, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such change. Copies of the notice and the changed regulation will also be available at OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The final statement of reasons will also be available at OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication October 9, 2009
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring California Least Tern Nesting Colonies

The Department of Fish and Game ("Department") received a permit application on June 2, 2009, from Ms. Carie Wingert, San Luis Obispo, requesting authorization to take California Least Terns (*Sterna antillarum browni*) (terns), Fully Protected birds, for research and consulting purposes, consistent with the protection and recovery of these species.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

The proposed activities include conducting surveys for terns, approaching tern nesting areas to gather necessary data used in monitoring nesting status, habitat suitability and habitat assessments, and identifying threats resulting from proposed construction activities. Data would be collected by observation and monitoring with binoculars/spotting scopes in or near potential and known breeding habitat and locating nests on foot. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered species, applicants are required to possess a valid federal threatened and endangered species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after November 9, 2009 for an initial and renewable term of two years. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF PESTICIDE REGULATION

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD FOR THE AMENDMENT OF THE CONFLICT-OF-INTEREST CODE FOR THE DEPARTMENT OF PESTICIDE REGULATION

NOTICE IS HEREBY GIVEN that the Department of Pesticide Regulation is extending its public comment period for the amendment of its Conflict-of-Interest Code originally published August 7, 2009. The Department of Pesticide Regulation proposes to extend the public comment period to allow written statements, arguments, or comments on new classifications that were previously not mentioned in the Designated Position listing.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than December 14, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Nichole Shintaku
1001 I Street, 4th Fl, MS 4B
PO Box 4015
Sacramento CA 95812-4015
(916) 445-4162
nshintaku@cdpr.ca.gov

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

**(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: September 23, 2009
To: Arelio Lendo
From: Chapter Two Compliance Unit
Subject: **2009 OAL DETERMINATION NO. 22(S)**
(CTU2009-0401-01)
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation an Addendum to DOM Section 53130.6.2 and an Addendum to DOM Section 53130.7.2

On April 1, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether two documents titled "Addendum to DOM Section 53130.6.2 Group Privileges and Restrictions" and "Addendum to DOM Section 53130.7.2 Group Privileges and Restrictions" constitute underground regulations. The documents were issued on March 11, 2009, and March 7, 2009, respectively. The Addendum to DOM section 53130.6.2 was signed by the Acting Warden at California Correctional

Center, Susanville. The Addendum to DOM section 53130.7.2 was signed by the Warden at California Correctional Center, Susanville. Both documents are attached hereto as Exhibits A and B respectively.

The Addendum to DOM section 53130.6.2 establishes the yard schedule for the buildings and tiers in the Lassen Unit at the California Correctional Center, Susanville. The Addendum to DOM section 53130.7.2 establishes the daily schedule for work calls, facility and close custody recall and unlocks for the Lassen Unit.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility....

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility

(Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rules challenged by your petition apply solely to the inmates of the California Correctional Center, Susanville. Both documents were issued by either the warden or the acting warden of, and applied to the Lassen Unit at, the California Correctional Center, Susanville. Inmates housed at other institutions are controlled by those other institution’s criteria for yard and daily schedules. The rules you challenged were issued by the California Correctional Center, Susanville, and apply only to inmates at the California Correctional Center, Susanville. Therefore, the rules are “local rules” and are exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1).³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

SUSAN LAPSLEY

Director

³ The rules challenged by your petition are the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) As express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

/s/

Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
John McClure

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On June 1, 2009, the Office of Administrative Law (OAL) received a petition challenging a memorandum titled "Management Guidance for Salinity in Waste Discharge Requirements" issued by the Central Valley Regional Water Quality Control Board as an alleged underground regulation. The memorandum provides guidance for the general approach to regulation of salinity in waste discharge requirements and National Pollutant Discharge Elimination System permits.

On September 28, 2009, the Central Valley Regional Water Quality Control Board certified to the OAL that the memorandum had been withdrawn; therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

**CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD**

**CERTIFICATION BY THE EXECUTIVE OFFICER
OF THE CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD THAT THE
MANAGEMENT GUIDANCE FOR SALINITY IN
WASTE DISCHARGE REQUIREMENTS
HAS BEEN WITHDRAWN**

The California Sportfishing Protection Alliance (CSPA) filed a petition with the Office of Administrative Law (OAL) dated May 26, 2009 alleging that the

Central Valley Regional Water Quality Control Board (Central Valley Water Board) Management Guidance for Salinity in Waste Discharge Requirements (Salinity Guidance) is an underground regulation.

The Salinity Guidance does not establish permitting requirements. Central Valley Water Board management developed the Salinity Guidance to outline options for staff's consideration in regulating salinity. The intent was to promote consistency with existing law and regulations and provide a compilation of some available information to staff. However, the Salinity Guidance states that permitting decisions are case-specific and does not establish any rules of general applicability. The Central Valley Water Board therefore disagrees that the Salinity Guidance is an underground regulation.

However, I have withdrawn the Salinity Guidance for the following reasons: First, withdrawal of the Salinity Guidance will eliminate any confusion on the part of CSPA or other members of the public about the effect of the Guidance on permitting decisions. Disagreement about the intent or effect of the Salinity Guidance creates an unnecessary distraction for the Central Valley Water Board's programs. Second, certain aspects of the Salinity Guidance are inconsistent with subsequent decisions of the State Water Resources Control Board (State Water Board), including Order WQ 2009-0003 (*City of Tracy*), Order WQ 2008-0006 (*Berry Petroleum*), Order WQ 2009-0005 (*City of Lodi*) and Resolution 2008-0025, the *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy). The cited water quality orders are precedential orders of the State Water Board. The Compliance Schedule Policy was approved by the Office of Administrative Law pursuant to the Administrative Procedure Act. Due to time constraints caused by furloughs and other workload issues, it has not been possible to complete a comprehensive review and update of the Salinity Guidance. Third, the State and Central Valley Water Boards are engaged in a comprehensive salinity planning effort known as Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS). CV-SALTS will lead to policy setting and, where appropriate, basin planning actions.

OAL regulations state that "[a]ny action of OAL or an agency pursuant to this chapter in connection with a petition shall be suspended if OAL receives a certification from the agency that it will not issue, use, enforce, or attempt to enforce the alleged underground regulation along with proof that the certification has been served on the petitioner. This certification shall be made by the head of the agency or a person with a written delegation of authority from the head of the agency." (Cal. Code of Regs., tit. 2, § 280.)

In Resolution R5–2007–0009, the Central Valley Water Board delegated to me all of its delegable powers and duties.

The Salinity Guidance was never intended to be enforceable and therefore the Central Valley Water Board does not intend to enforce it. I hereby certify that the Central Valley Water Board will not issue, use, enforce, or attempt to enforce the alleged underground regulation, as stated in the attached memorandum to Central Valley Water Board Program Managers dated September 25, 2009

Sincerely,

/s/
Pamela C. Creedon, Executive Officer

Enc: Memo to Program Managers
Proof of Service

QUARTERLY INDEX OF REGULATORY ACTIONS
--

**Quarterly Index of Regulatory Actions
July 1, 2009 — September 30, 2009**

This Quarterly Index lists regulatory actions during the period indicated, sorted alphabetically by agency. The file types are: C = Certificate of Compliance, E = Emergency, EON = Emergency by Operational Necessity, F = Filed with SOS Only, FP = Filed and Printed Only, N = Non-regulatory, P = Print Only, R = Resubmittal, S = Regular Submittal.

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
Air Resources Board	2009–0721–02	S	Aftermarket Parts Highway Motorcycles 2008	APPROVAL
Air Resources Board	2009–0713–04	N	Diesel Particulate Matter Control Measures	APPROVAL
Air Resources Board	2009–0605–01	S	Spark–Ignition Marine Engine Regulations	APPROVAL
Air Resources Board	2009–0721–01	S	Small Containers of Automotive Refrigerant	PART_APPR/ DISAPPR
Air Resources Board	2009–0713–03	N	Smoke Opacity Inspection Intervals, Standards, and Test Procedures	APPROVAL
Air Resources Board	2009–0721–01	S	Small Containers of Automotive Refrigerant	PART_APPR/ DISAPPR
Air Resources Board	2009–0518–03	N	Warranty Information Reporting and Recall Regulation and Test Procedures ⁶	DISAPPROVAL
Air Resources Board	2009–0804–01	S	Outboard Marine Tanks and Components	APPROVAL
Board of Barbering and Cosmetology	2009–0624–01	N	Building Standards	APPROVAL
Board of Chiropractic Examiners	2009–0601–01	S	Standard of Care re Manipulation Under Anesthesia	WITHDRAWN
Board of Equalization	2009–0618–01	S	Sales for Resale	APPROVAL
Board of Equalization	2009–0817–04	N	Interstate and Foreign Commerce	APPROVAL
Board of Governors, California Community Colleges	2009–0616–01	P	California Community Colleges Employees’ Minimum Qualifications	PRINT_ONLY
Board of Governors, California Community Colleges	2009–0805–02	P	Conflict of Interest Code of the Board of Governors	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
Board of Occupational Therapy	2009-0714-02	S	Continuing Competency	APPROVAL
Board of Occupational Therapy	2009-0626-03	S	Application	APPROVAL
Board of Occupational Therapy	2009-0714-01	S	Initial License and Certification Fee	APPROVAL
Board of Parole Hearings	2009-0630-01	S	Delays of Life Parole Consideration Hearings	APPROVAL
Board of Pharmacy	2009-0623-08	S	Ethics Course	APPROVAL
Board of Podiatric Medicine	2009-0827-04	S	Fingerprint Requirements	APPROVAL
Board of Psychology	2009-0617-02	S	Psychological Assistant Renewals	APPROVAL
Board of Psychology	2009-0617-01	S	Psychological Assistant Plans for SPE	APPROVAL
Board of Vocational Nursing and Psychiatric Technicians	2009-0630-02	C	Fingerprint and Disclosure Requirements – Fee Changes	APPROVAL
Bureau of Security and Investigative Services	2009-0713-02	S	Proprietary Private Security Officer Training Course	WITHDRAWN
Business, Transportation and Housing Agency	2009-0818-03	C	Public Infrastructure Advisory Commission (PIAC)	APPROVAL
California Alternative Energy and Advanced Transportation Financing Authority	2009-0723-02	E	Renewable Energy Program	APPROVAL
California Energy Commission	2009-0529-02	S	Amendments to Appliance Efficiency Regulations – Lighting	APPROVAL
California Energy Commission	2009-0529-03	S	Amendments to Appliance Efficiency Regulations	APPROVAL
California Energy Commission	2009-0722-01	SR	California Home Energy Rating System Program	APPROVAL
California Gambling Control Commission	2009-0716-05	S	Minimum Internal Control Standards (MICS)	APPROVAL
California Health Facilities Financing Authority	2009-0619-09	SR	Children’s Hospital Program of 2008	APPROVAL
California Horse Racing Board	2009-0616-03	S	Trifecta / Superfecta	APPROVAL
California Horse Racing Board	2009-0616-02	S	Rebates on Wagers	APPROVAL
California Horse Racing Board	2009-0623-05	S	Examination Required	APPROVAL
California Institute for Regenerative Medicine	2009-0709-01	S	Exemption Petition for Cell Lines	APPROVAL
California Institute for Regenerative Medicine	2009-0806-03	SR	Grants Administration Policy for Academic and Non-Profit Institutions	PART_APPR/DIS-APPR

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
California State University	2009-0721-06	FP	Conferral of Degree Upon Completion of Degree Requirements	FILE_PRINT_ONLY
California State University	2009-0721-05	FP	Reduction in Pay	FILE_PRINT_ONLY
California State University	2009-0721-03	FP	Furloughs	FILE_PRINT_ONLY
California State University	2009-0721-04	FP	Holidays	FILE_PRINT_ONLY
Cemetery and Funeral Bureau	2009-0805-01	S	Regulatory Charge – \$8.50 Fee	APPROVAL
Central Valley Flood Protection Board	2009-0625-01	S	Amendments Related to AB 5 & Technical Updates	WITHDRAWN
Commission on Teacher Credentialing	2009-0521-01	S	Limited Assignment Permits / Special Education Added Authorizations	APPROVAL
Corrections Standards Authority	2009-0708-01	C	2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program	APPROVAL
Department of Child Support Services	2009-0701-01	N	State Hearing Address Update	APPROVAL
Department of Corporations	2009-0623-02	P	Review of Conflict of Interest Code	APPROVAL
Department of Corporations	2009-0811-02	S	Clean-up Amendments to the Regulations	APPROVAL
Department of Corporations	2009-0818-01	S	Proposed Technical Corrections to the CCR and Form Adoptions	APPROVAL
Department of Corrections and Rehabilitation	2009-0903-06	S	Psychiatric Services Unit	APPROVAL
Department of Corrections and Rehabilitation	2009-0625-02	C	Senate Bill 618 Regulation Revision	APPROVAL
Department of Corrections and Rehabilitation	2009-0703-02	S	Adult Parole Contact Requirements	WITHDRAWN
Department of Corrections and Rehabilitation	2009-0701-02	S	Adult Parole and Registration	APPROVAL
Department of Food and Agriculture	2009-0716-03	E	Light Brown Apple Moth Eradication Area	APPROVAL
Department of Food and Agriculture	2009-0730-01	SR	Trade Secrets	APPROVAL
Department of Food and Agriculture	2009-0730-04	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0824-04	EE	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0803-01	C	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0720-02	E	White Striped Fruit Fly	APPROVAL
Department of Food and Agriculture	2009-0810-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
Department of Food and Agriculture	2009-0903-04	EE	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0901-04	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0825-03	E	Mexican Fruit Fly Eradication Area	APPROVAL
Department of Food and Agriculture	2009-0708-02	S	Plant Improvement Program	APPROVAL
Department of Food and Agriculture	2009-0731-03	E	Oriental Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0922-03	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0820-02	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0806-02	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0716-01	E	Oriental Fruit Fly Eradication Area	APPROVAL
Department of Food and Agriculture	2009-0922-04	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0716-02	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0604-02	S	Somatic Cell Counts in Milk	APPROVAL
Department of Food and Agriculture	2009-0623-07	E	Oriental Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0716-04	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0729-01	E	White Striped Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0825-02	E	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0528-01	C	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0820-01	E	Guava Fruit Fly Eradication Area	APPROVAL
Department of Food and Agriculture	2009-0903-05	EE	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Food and Agriculture	2009-0828-02	E	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Health Care Services	2009-0611-02	N	Reimbursement for Pathology Services	APPROVAL
Department of Health Care Services	2009-0811-03	N	Treatment Authorization Requests	WITHDRAWN

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
Department of Housing and Community Development	2009-0817-02	N	Employee Housing Permit to Operate, per Employee and per Lot Fees	APPROVAL
Department of Housing and Community Development	2009-0709-02	C	Manufactured Home/Commercial Modular Fire Construction Standards	APPROVAL
Department of Housing and Community Development	2009-0730-03	E	Homelessness Prevention and Rapid Re-Housing Program	WITHDRAWN
Department of Housing and Community Development	2009-0817-03	N	Moblehome Parks Permit to Operate and Per Lot Fees	APPROVAL
Department of Housing and Community Development	2009-0901-03	ER	Homelessness Prevention and Rapid Re-Housing Program	APPROVAL
Department of Insurance	2009-0617-06	C	Title Marketing Representative Certificate Application and Renewal	APPROVAL
Department of Insurance	2009-0824-01	N	Automotive Repair Consumer Bill of Rights	WITHDRAWN
Department of Insurance	2009-0527-01	FP	Fees Revision	DIS_FILE_PRINT_ONLY
Department of Insurance	2009-0603-01	S	Rate and Statistical Plan Enforcement Remedies	APPROVAL
Department of Insurance	2009-0623-01	S	Title Insurance Statistical Plan and Financial Data Reporting	APPROVAL
Department of Mental Health	2009-0731-02	C	Assessment of Sexually Violent Predators	APPROVAL
Department of Pesticide Regulation	2009-0702-02	S	Notification and Application – Specific Information	APPROVAL
Department of Pesticide Regulation	2009-0909-01	N	Dealers Records and Sales Reporting	APPROVAL
Department of Pesticide Regulation	2009-0715-04	N	Miscellaneous	PART_APPR/WITH
Department of Public Health	2009-0730-02	S	Continuing Education for Registered Environmental Health Specialists	WITHDRAWN
Department of Public Health	2009-0819-01	FP	Update List of Reportable Diseases	APPROVAL
Department of Public Health	2009-0715-02	N	New Born Screening Program	APPROVAL
Department of Real Estate	2009-0528-03	S	Subdivisions: Common Interest Development	APPROVAL
Department of Rehabilitation	2009-0812-01	SR	Business Enterprises Program for the Blind	APPROVAL
Department of Rehabilitation	2009-0702-01	S	Accreditation of CRPs	APPROVAL
Department of Social Services	2009-0626-01	EE	SB 39, Child Fatality Reporting and Disclosure Requirements	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
Department of Social Services	2009-0619-08	S	Adult Residential Facility Age Regulations	PART_APPR/WITH
Department of Social Services	2009-0811-01	S	Asset Exclusion Changes and EITC Outreach in Cal-WORKs	APPROVAL
Department of Social Services	2009-0819-02	E	Division 31, Grievance Review Procedures	APPROVAL
Department of Toxic Substances Control	2009-0608-04	N	CLEAN Loan Programs Regulations	APPROVAL
Department of Toxic Substances Control	2009-0601-02	N	Tracking U-Waste Shipments	APPROVAL
Department of Transportation	2009-0619-01	S	Adopt-A-Highway Program	WITHDRAWN
Department of Transportation	2009-0622-01	S	Outdoor Advertising	DISAPPROVAL
Department of Veterans Affairs	2009-0806-01	S	Definition of Moneys and Other Personal Property	APPROVAL
Department of Water Resources	2009-0729-02	SR	Model Water Efficient Landscape Ordinance	APPROVAL
Education Audit Appeals Panel	2009-0709-03	N	Audits of K-12 LEAs – FY 2009-10	PART_APPR/WITH
Employment Development Department	2009-0720-01	S	Family Temporary Disability Insurance Benefits Pending Appeal	APPROVAL
Fair Political Practices Commission	2009-0915-02	FPPC	Lobbyist Certification & Ethics Orientation Course	APPROVAL
Fair Political Practices Commission	2009-0623-03	FPPC	Disclosure Statements. Advertisement Disclosure	APPROVAL
Fair Political Practices Commission	2009-0623-04	FPPC	Gift Limit Amount	APPROVAL
Fair Political Practices Commission	2009-0915-01	FPPC	Campaign Related Mailings and Sent at Public Expenses	APPROVAL
Fish and Game Commission	2009-0824-02	S	Waterfowl, Migratory, American Coot and Common Moorhen	APPROVAL
Fish and Game Commission	2009-0715-03	N	Blue Grouse	APPROVAL
Fish and Game Commission	2009-0817-01	EE	Incidental Take of California Tiger Salamander During Candidacy	APPROVAL
Fish and Game Commission	2009-0604-03	S	Commerical Halibut Trawl Gear	APPROVAL
Fish and Game Commission	2009-0703-01	E	Pacific Herring Open Ocean Commercial Fishing Regulations	APPROVAL
Managed Risk Medical Insurance Board	2009-0713-01	C	Contributions for Vision and Dental Benefits	APPROVAL
Managed Risk Medical Insurance Board	2009-0923-02	E	Healthy Families Program – Immigration Verification	APPROVAL
Managed Risk Medical Insurance Board	2009-0824-05	C	Community Provider Plan Designation Process	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
New Motor Vehicle Board	2009-0715-01	FP	Conflict of Interest Code	APPROVAL
Occupational Safety and Health Standards Board	2009-0720-04	S	Foot Protection	APPROVAL
Occupational Safety and Health Standards Board	2009-0522-03	S	Aerosol Transmissible Diseases – Zoonotic	APPROVAL
Occupational Safety and Health Standards Board	2009-0619-05	S	Mobile and Tower Crane Operator Qualifications – Accreditation of Certifying Entities	APPROVAL
Occupational Safety and Health Standards Board	2009-0522-02	S	Aerosol Transmissible Diseases	APPROVAL
Occupational Safety and Health Standards Board	2009-0619-06	S	Use of High Visibility Apparel	APPROVAL
Occupational Safety and Health Standards Board	2009-0720-03	S	Medical Services and First Aid	APPROVAL
Occupational Safety and Health Standards Board	2009-0619-04	S	Riding on Rolling Scaffolds	APPROVAL
Occupational Safety and Health Standards Board	2009-0619-03	P	Marine Terminal Operations – Vertical Tandem Lifts	FILE_PRINT_ONLY
Office of Environmental Health Hazard Assessment	2009-0611-01	SR	Proposition 65 – Safe Use Determinations	APPROVAL
Office of the State Fire Marshal	2009-0731-01	S	Automatic Fire Extinguishing Systems – Type L	WITHDRAWN
Physical Therapy Board of California	2009-0701-03	SR	Disciplinary Guidelines	APPROVAL
Professional Fiduciaries Bureau	2009-0925-02	S	Enforcement Regulations	WITHDRAWN
Public Employees Retirement System	2009-0731-04	S	Participation in Risk Pool Amendments	APPROVAL
State Allocation Board	2009-0826-01	S	Leroy F. Greene School Facilities Act of 1998; Gen. Site Development	APPROVAL
State Allocation Board	2009-0806-05	S	Emergency Repair Program Regulatory Amendments	APPROVAL
State Lands Commission	2009-0819-03	S	Marine Invasive Species Control Fund Fee	APPROVAL
State Treasurer	2009-0723-01	E	Redemption of Registered Warrants	APPROVAL
State Water Resources Control Board	2009-0626-02	S	BPA to Revise Standards for Surface Waters of the Antelope Hydrologic Unit	APPROVAL
State Water Resources Control Board	2009-0803-02	S	Policy on Supplemental Environmental Projects	APPROVAL

AGENCY	FILE NO.	FILE TYPE	SUBJECT	DECISION
State Water Resources Control Board	2009-0818-04	S	Indicator Bacteria, Baby Beach and Shelter Island Shoreline Park	APPROVAL
State Water Resources Control Board	2009-0529-04	S	Total Maximum Daily Load of Sediment, Middle Truckee River	APPROVAL
State Water Resources Control Board	2009-0818-02	S	Calleguas Creek Nitrogen Compounds and Related Effects TMDL Revision	APPROVAL
State Water Resources Control Board	2009-0806-04	S	Orphan Site Cleanup Fund	APPROVAL
Structural Pest Control Board	2009-0608-01	SR	False & Misleading Advertising	APPROVAL
Structural Pest Control Board	2009-0805-03	S	Armed Services Exemption/Structural Integrated Pest	APPROVAL
Superintendent of Public Instruction	2009-0608-03	N	Documentation and Determination of Family Size	APPROVAL
Superintendent of Public Instruction	2009-0603-02	N	State Preschool Program	WITHDRAWN
Victim Compensation and Government Claims Board	2009-0623-06	S	Victim Compensation Program Hearing Procedures	APPROVAL
Victim Compensation and Government Claims Board	2009-0609-01	FP	Legislative Per Diem Rate	FILE_PRINT_ONLY

DISAPPROVAL DECISION

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

State of California
Office of Administrative Law

In re:
California Institute for Regenerative Medicine

Regulatory Action: Title 17
California Code of Regulations

Amend sections: 100500
DECISION OF PARTIAL
DISAPPROVAL OF
REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2009-0806-03 SR

SUMMARY OF REGULATORY ACTION

The California Institute for Regenerative Medicine (CIRM) was established in early 2005 with the passage

of Proposition 71 (The California Stem Cell Research and Cures Initiative). Proposition 71 provided \$3 billion in funding to CIRM. CIRM makes grants and provides loans for stem cell research, research facilities and other vital research opportunities.

On January 27, 2009, CIRM submitted a proposed rulemaking (OAL File No. 2009-0127-03 S) to amend the standards and criteria for the awarding and oversight of grants, loans and contracts for academic and non-profit recipients. Specifically, CIRM sought to amend section 100500 of title 17 of the California Code of Regulations (CCR) to update the revision date of and illustrate changes to a document incorporated by reference: the Grants Administration Policy for Academic and Non-Profit Institutions (GAP). The GAP is a 51 page document with a six page appendix and sets forth the standards and criteria for the awarding and oversight of grants, loans, and contracts. Section 100500 provides that all academic and non-profit institutional recipients of CIRM funding must adhere to the terms and conditions of the GAP.

OAL File No. 2009-0127-03 S was withdrawn by CIRM on March 11, 2009. On August 6, 2009, CIRM resubmitted the withdrawn file. The resubmission (OAL File No. 2009-0806-03 SR) again proposed amendments to the GAP, including proposed changes to the *Appeals of Scientific Review* section of the GAP.

The *Appeals of Scientific Review* section of the GAP contains the standards for appealing a denial of an Application for CIRM funding of research or research related opportunities.

DECISION

On September 18, 2009, the Office of Administrative Law (OAL) notified CIRM of the approval in part and the disapproval in part of OAL File No. 2009-0806-03 SR. The amendment to section 100500 of title 17 of the CCR, and the amendments to the document incorporated by reference, CIRM's Grants Administration Policy for Academic and Non-Profit Institutions were approved except as to the amendments to the *Appeals of Scientific Review* section, which were disapproved. The amendments to the *Appeals of Scientific Review* section were disapproved for failure to comply with the clarity standard of Government Code section 11349.1.

Date: September 25, 2009

/s/

Elizabeth A. Heidig
Staff Counsel

for: SUSAN LAPSLEY
Director

Original: Dr. Alan Trounson
cc: Ian K. Sweedler

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0817-04
BOARD OF EQUALIZATION
Interstate and Foreign Commerce

State Board of Equalization submitted this change without regulatory effect, pursuant to title 1, California Code of Regulations, section 100(a)(4), to correct a cross-reference in title 18, California Code of Regula-

tions, section 1620(b)(2)(A). This action was submitted to correct the current cross-reference in title 18, section 1620(b)(2)(A) from (b)(7) to (b)(9) for internal consistency.

Title 18
California Code of Regulations
AMEND: 1620
Filed 09/29/2009
Agency Contact: Toya Davis (916) 327-1798

File# 2009-0811-02
DEPARTMENT OF CORPORATIONS
Clean-up Amendments to the Regulations

This rulemaking makes technical and corrective changes to update regulations in Title 10 of the California Code of Regulations which became necessary as a result of changes made to various California Codes by Assembly Bill 1894, Chapter 201, Statutes of 2000, Assembly Bill 1757, Chapter 229, Statutes of 2003, and Assembly Bill 886, Chapter 399, Statutes of 2007.

Title 10
California Code of Regulations
AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51
Filed 09/23/2009
Effective 10/23/2009
Agency Contact: Karen Fong (916) 322-3553

File# 2009-0818-01
DEPARTMENT OF CORPORATIONS
Proposed Technical Corrections to the CCR and Form Adoptions

This rulemaking action makes technical corrections to regulations in Title 10 of the California Code of Regulations to correlate with changes made in governing statutes and to other state regulations and to update the names of organizations and to reference new editions of required Securities and Exchange Commission forms.

Title 10
California Code of Regulations
AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3 REPEAL: 260.101, 260.103.3, 260.237.1
Filed 09/24/2009
Effective 10/24/2009
Agency Contact: Karen Fong (916) 322-3553

File# 2009-0903-06

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION****Psychiatric Services Unit**

This rulemaking amends title 15 section 3341.5(b) to define the Psychiatric Services Unit (PSU). This rule-making also amends this section to provide authority and direction to set forth mental health standards for the proper housing of inmates with diagnosed psychiatric disorders.

Title 15

California Code of Regulations

AMEND: 3341.5

Filed 09/29/2009

Effective 10/29/2009

Agency Contact: Gail Long (916) 341-7329

File# 2009-0922-04

DEPARTMENT OF FOOD AND AGRICULTURE**Light Brown Apple Moth Interior Quarantine**

This emergency regulatory action will expand existing regulated quarantine areas in the counties of Contra Costa, Los Angeles, Monterey, Napa, San Benito, Santa Clara and Sonoma by approximately 44 square miles due to recent findings of the light brown apple moth "LBAM" ("Epiphyas postvittana"). This will result in a total of approximately 3,698 square miles under regulation within the State for the pest. The effect of these amendments to the regulation is to establish the authority for the State to perform quarantine activities against the LBAM in these new areas.

Title 3

California Code of Regulations

AMEND: 3434(b)

Filed 09/24/2009

Effective 09/24/2009

Agency Contact: Stephen S. Brown (916) 654-1017

File# 2009-0922-03

DEPARTMENT OF FOOD AND AGRICULTURE**Mediterranean Fruit Fly Interior Quarantine**

This emergency regulatory action will establish a new quarantine area in the Escondido area (approximately 77 square miles) of San Diego County for a total of approximately 220 square miles surrounding the Mediterranean fruit fly infestations in San Diego County. The effect of the amendment is to establish the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from this new area under quarantine to prevent artificial spread of the fly to noninfested areas.

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 09/24/2009

Effective 09/24/2009

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2009-0923-02

**MANAGED RISK MEDICAL INSURANCE
BOARD****Healthy Families Program — Immigration Verification**

This regulatory action changes the eligibility requirements an individual must meet to re-qualify for another year of the Healthy Families Program to require the production of immigration status documentation showing continuing legal residence.

Title 10

California Code of Regulations

AMEND: 2699.6625

Filed 09/29/2009

Effective 09/29/2009

Agency Contact: Dianne Knox (916) 234-0592

File# 2009-0818-02

STATE WATER RESOURCES CONTROL BOARD**Calleguas Creek Nitrogen Compounds and Related Effects TMDL Revision**

On September 11, 2008, the Los Angeles Regional Water Quality Control Board adopted Resolution R4-2008-009 amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by revising the Total Maximum Daily Load (TMDL) for Nitrogen Compounds and Related Effects in Calleguas Creek, its Tributaries and Mugu Lagoon. On June 16, 2009, the State Water Resources Control Board approved this amendment under Final Resolution No. 2009-0052. The original Basin Plan Amendment for Calleguas Creek Nitrogen Compounds and Related Effects was adopted in 2002. The Calleguas Creek and Mugu Lagoon are impaired by nitrogen compounds and eutrophic effects and are on the 1998 California 303(d) list of impaired waterbodies. The regional board indicates that the mass based daily Waste Load Allocations (WLAs) for ammonia were incorrectly calculated as the product of the daily flow rate and the average monthly effluent limits (AMEL), rather than the daily flow rate and the maximum daily effluent limits (MDEL). This amendment revises that calculation with respect to the upcoming National Pollutant Discharge Elimination System (NPDES) permits.

Title 23
California Code of Regulations
AMEND: 3939.2
Filed 09/30/2009
Effective 10/30/2009
Agency Contact:
Nick Martorano (916) 341-5980

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN April 29, 2009 TO
September 30, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/22/09 ADOPT: 18603, 18603.1
09/22/09 ADOPT: 18901.1 AMEND: 18420.1
09/18/09 AMEND: 1859.76
09/17/09 AMEND: 2270, 2271
09/14/09 AMEND: 588.1, 588.2
08/31/09 ADOPT: 1859.324.2 AMEND:
1859.302, 1859.324.1, 1859.330
08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1
AMEND: 647.1, 647.2, 647.3, 647.4,
647.20, 647.20.1, 647.22, 647.23,
647.24, 647.26, 647.30, 647.31, 647.32,
647.33, 647.35, 647.38 REPEAL:
647.25, 647.34
07/30/09 ADOPT: 1899.570, 1899.575, 1899.580,
1899.585
07/20/09 ADOPT: 721
07/07/09 AMEND: 18450.4
07/06/09 AMEND: 18940.2
06/15/09 ADOPT: 18746.4 AMEND: 18741.1,
18746.1, 18746.3
06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23,
649.25, 649.29, 649.32, 649.33, 649.48
AMEND: 647.4, 649, 649.2, 649.4,
649.7, 649.8, 649.11, 649.12, 649.13,
649.15, 649.16, 649.22, 649.24, 649.26,
649.27, 649.28, 649.30, 649.31, 649.35,
649.36, 649.50, 649.51, 649.57, 649.58,
649.59, 649.62 REPEAL: 649.3, 649.6,
649.9, 649.10, 649.14, 649.23, 649.25
06/09/09 ADOPT: 18405
06/01/09 ADOPT: 250.1

05/21/09 AMEND: 18705.1
05/14/09 ADOPT: 21000, 21001, 21002, 21003,
21004, 21005, 21006, 21007, 21008,
21009
05/08/09 ADOPT: 18410 AMEND: 18402
04/30/09 AMEND: 1859.129, 1859.197

Title 3

09/24/09 AMEND: 3406(b)
09/24/09 AMEND: 3434(b)
09/22/09 AMEND: 6562
09/15/09 AMEND: 3434(b)
09/14/09 AMEND: 3435(b)
09/10/09 ADOPT: 2300.1, 2300.2, 2300.3
AMEND: 2300
09/09/09 AMEND: 3434(b)
09/03/09 AMEND: 3434(b)
09/01/09 AMEND: 3435(b)
08/28/09 AMEND: 3434(b)
08/27/09 AMEND: 3435(b)
08/27/09 AMEND: 3588
08/26/09 AMEND: 6400, 6502, 6620,
6626(a)-(b), 6626(c), 6627, 6670, 6672,
6736, and incorporated by reference
forms
08/20/09 AMEND: 3406(b)
08/20/09 AMEND: 3591.13(a)
08/13/09 AMEND: 3434(b)
08/13/09 AMEND: 6618, 6619, 6761.1, 6770,
6771
08/12/09 ADOPT: 902.15
08/07/09 AMEND: 3406(b)
08/05/09 AMEND: 3434(b), 3434(c)
08/04/09 AMEND: 3423(b)
07/31/09 ADOPT: 3436
07/24/09 AMEND: 3434(b)
07/22/09 ADOPT: 3591.23
07/22/09 AMEND: 3406(b)
07/21/09 AMEND: 3591.2(a)
07/20/09 AMEND: 3591.20(a)
07/13/09 AMEND: 625
07/07/09 AMEND: 3435
07/02/09 AMEND: 3423(b)
06/30/09 AMEND: 3434(b)
06/22/09 AMEND: 3434(b)
06/19/09 AMEND: 3591.20(a)
06/15/09 AMEND: 3406(b)
06/15/09 AMEND: 3434(b)
06/01/09 AMEND: 3406(b)
06/01/09 ADOPT: 3408
05/26/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/13/09 AMEND: 6800
05/04/09 AMEND: 3434(b)

Title 4

08/25/09 ADOPT: 12380, 12381, 12384, 12385,
12386 AMEND: 12360
08/04/09 AMEND: 1853
07/31/09 AMEND: 10020
07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055,
7056, 7057, 7058, 7059, 7060, 7061,
7062, 7063, 7064, 7065, 7066, 7067,
7068, 7069, 7070, 7071
07/21/09 AMEND: 1979, 1979.1
07/21/09 REPEAL: 1950.1
06/25/09 ADOPT: 12486
06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072,
8076, 8078
06/04/09 AMEND: 106
05/18/09 ADOPT: 12488, 12508, 12510, 12511,
12514 AMEND: 12480, 12486
05/18/09 ADOPT: 12482
05/12/09 AMEND: 406
05/12/09 ADOPT: 12591

Title 5

08/20/09 ADOPT: 19825.1 AMEND: 19816,
19816.1, 19825, 19825.1 (renumber to
19825.2)
07/21/09 ADOPT: 43200
07/21/09 ADOPT: 43220
07/21/09 AMEND: 42920
07/21/09 ADOPT: 40411
07/09/09 AMEND: 18100
07/03/09 ADOPT: 80027.1, 80048.7 AMEND:
80027
06/29/09 ADOPT: 19821.5, 19825.1, 19828.4,
19837.3, 19839, 19845.2 AMEND:
19815, 19816, 19816.1, 19828.3,
19837.2, 19845.1, 19846
05/28/09 AMEND: 9521
05/11/09 AMEND: 80023, 80024.4, 80024.5,
80024.6, 80025.5, 80026, 80026.1,
80026.6, 80034.5 REPEAL: 80024.3,
80026.4, 80042, 80042.5, 80569
05/11/09 AMEND: 24002, 24003, 24005
05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,
3093, 3094, 3095, 3096, 3096.1, 3096.2,
3097, 3098, 3098.1, 3098.2, 3099
04/30/09 ADOPT: 26000

Title 8

08/31/09 AMEND: 3385
08/27/09 AMEND: 3400
07/31/09 AMEND: 1637, 1646
07/27/09 AMEND: 5006.1
07/24/09 AMEND: 3466
07/23/09 AMEND: 1598, 1599
07/06/09 ADOPT: 5199
07/06/09 ADOPT: 5199.1

06/22/09 AMEND: 230.1
06/18/09 ADOPT: 9792.23.1, 9792.23.2,
9792.23.3, 9792.23.4, 9792.23.5,
9792.23.6, 9792.23.7, 9792.23.8,
9792.23.9, 9792.24, 9792.24.1,
9792.24.2, 9792.24.3, 9792.25, 9792.26
AMEND: 9792.20, 9792.21, 9792.22,
9792.23
05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,
3101, 3107
05/01/09 AMEND: 4530

Title 9

09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1,
7214.2, 7214.3, 7214.4, 7214.6, 7214.8,
7215.1, 7216.1, 7216.2, 7220.3, 7220.5,
7220.7 AMEND: 7213, 7213.1, 7213.2,
7213.3, 7214, 7215, 7216, 7218, 7220,
7221, 7224, 7225, 7226, 7226.1, 7226.2,
7227, 7227.1, 7227.2 REPEAL: 7219
09/14/09 ADOPT: 4000, 4005
08/04/09 AMEND: 7331
06/29/09 ADOPT: 10700, 10701 AMEND: 10518,
10529 REPEAL: 10532, 10533
06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4
AMEND: 7210, 7211, 7212

Title 10

09/29/09 AMEND: 2699.6625
09/24/09 AMEND: 260.004, 260.017.1,
260.102.14, 260.165, 260.210, 260.211,
260.230.1, 260.236, 260.236.1,
260.237.2, 260.240, 260.241.3
REPEAL: 260.101, 260.103.3,
260.237.1
09/23/09 AMEND: 260.102.8(b), 260.103.6,
260.105.15, 260.113, 260.140.8(b)(4),
260.140.42(e), 260.140.71.2,
260.140.114.1(c), 260.151(a),
260.236(c)(3)(C), 260.608, 1457(d),
1950.122.1, 2020(c), 2030, Note after
Subchapter 6 REPEAL: 250.50, 250.51
09/17/09 AMEND: 2699.6805
08/19/09 AMEND: 2699.6707, 2699.6711,
2699.6721, 2699.6723, 2699.6725,
2699.6809
08/04/09 ADOPT: 2355.1, 2355.2 AMEND:
2359.4 amended and renumbered to
2355.3, 2359.7 renumbered to 2355.4,
2359.8 renumbered to 2355.5 REPEAL:
2355.1, 2355.2, 2355.3, 2355.4, 2355.5,
2355.6, 2355.7, 2355.8, 2356.1, 2356.2,
2356.3, 2356.4, 2356.5, 2356.6, 2356.7,
2356.8, 2356.9, 2357.1, 2357.2, 2357.3,
2357.4, 2357.5, 2357.6, 2357.7, 2357.8,
2357.9, 2357.10, 2357.11, 2357.12,

	2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.5, 2359.6	Title 13, 17	
07/29/09	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55	05/29/09	ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118
07/14/09	ADOPT: 2359.8	Title 14	
07/09/09	AMEND: 2797	09/15/09	AMEND: 502
07/06/09	AMEND: 250.30	08/25/09	AMEND: 257, 300, 311, 313
06/24/09	AMEND: 2498.4.9	08/24/09	ADOPT: 749.4
06/24/09	AMEND: 2498.4.9	07/14/09	AMEND: 124
06/24/09	AMEND: 2498.4.9	07/13/09	AMEND: 163
06/24/09	AMEND: 2498.4.9	06/23/09	AMEND: 3959(b)(4)
06/01/09	ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10	06/23/09	ADOPT: 4351.1 AMEND: 4351
06/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	06/16/09	AMEND: 753.5
06/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	06/15/09	AMEND: 27.80
05/29/09	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	06/12/09	AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708
05/12/09	AMEND: 2716.1, 2790.1.5, 2810.5	06/02/09	AMEND: 7.50(b)(91.1)
05/01/09	AMEND: 2699.6603	05/26/09	AMEND: 7.00, 7.50
Title 11		05/21/09	AMEND: 7.50(b)(178)
05/21/09	AMEND: 1005, 1007, 1008	05/15/09	AMEND: 790, 818.02, 827.02
Title 12		05/14/09	ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3
09/17/09	ADOPT: 508	05/13/09	AMEND: 25201
Title 13		05/07/09	AMEND: 25201
09/16/09	ADOPT: 2468, 2468.1, 2486.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10	05/04/09	AMEND: 670.5
09/01/09	AMEND: 2222	Title 15	
08/24/09	AMEND: 2193	09/29/09	AMEND: 3341.5
08/12/09	AMEND: 2020(b)	08/18/09	ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
07/29/09	AMEND: 599	08/11/09	AMEND: 2253
07/17/09	AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448	08/11/09	ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1
06/29/09	AMEND: 2702, 2704	07/28/09	ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
06/16/09	AMEND: 1239	06/17/09	ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740
06/04/09	ADOPT: 2340, 2341, 2342, 2343, 2344, 2345	06/17/09	ADOPT: 3099
05/22/09	ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72	05/12/09	AMEND: 3000, 3190, 3375, 3376.1, 3379
		05/04/09	AMEND: 3335(d)(3)
		Title 16	
		09/16/09	ADOPT: 1950.1 AMEND: 1984
		09/16/09	ADOPT: 1399.720, 1399.721, 1399.722, 1399.723, 1399.724, 1399.725
		09/08/09	AMEND: 2310
		08/24/09	AMEND: 4161

08/11/09 AMEND: 2504.1, 2517.5, 2537, 2540.6,
2564.1, 2575.5, 2590, 2592.6
08/05/09 AMEND: 995
08/05/09 AMEND: 1399.15
08/04/09 ADOPT: 1773.5 AMEND: 1773
07/28/09 AMEND: 4110
07/27/09 AMEND: 4130
07/24/09 AMEND: 1391.10, 1391.12
07/24/09 AMEND: 1387, 1387.6
07/17/09 AMEND: 1999.5
06/26/09 ADOPT: 2611 AMEND: 2606, 2614,
2615, 2616, 2621, 2649 REPEAL: 2612,
2613, 2623
06/26/09 AMEND: 426.51
06/16/09 AMEND: 1524
06/12/09 AMEND: 2021, 2068.5, 2068.6
REPEAL: 2067, 2068
06/03/09 AMEND: 1888
06/02/09 AMEND: 1419, 1419.1, 1419.3
05/20/09 ADOPT: 1815 AMEND: 1886.40

Title 17

09/22/09 AMEND: 2500, 2502, 2505
09/18/09 AMEND: 100500
09/01/09 ADOPT: 95360, 95361, 95362, 95363,
95364, 95365, 95366, 95367, 95368,
95369, 95370
08/19/09 ADOPT: 100081
08/13/09 AMEND: 6500.74, 6500.77
06/18/09 AMEND: 94508, 94509, 94510, 94512,
94513, 94515

Title 18

09/29/09 AMEND: 1620
07/30/09 AMEND: 1668
06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534,
1535
05/21/09 AMEND: 25114
05/12/09 AMEND: 1502
04/29/09 AMEND: 1591

Title 20

08/03/09 AMEND: 1670, 1671, 1672, 1673, 1674,
1675
07/10/09 AMEND: 1601, 1602, 1604, 1605.3,
1606
07/10/09 AMEND: 1601, 1602, 1603, 1604,
1605.1, 1605.2, 1605.3, 1606, 1607,
1608
06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3,
13.2
06/04/09 AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10,
1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6,
3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2,
14.3, 14.6, 15.2, 17.3, 17.4, 18.1

Title 21

09/16/09 ADOPT: 7700, 7701, 7702, 7703, 7704,
7705, 7706, 7707, 7708, 7709, 7710,
7711
06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704,
7705, 7706, 7707, 7708, 7709, 7710,
7711
05/14/09 AMEND: 1554, 1556

Title 22

08/31/09 ADOPT: 2706-7
07/31/09 AMEND: 80001, 85002 and 85068.4
07/23/09 AMEND: 120201
07/22/09 AMEND: 51529
07/20/09 AMEND: 68201, 68202, 68205, 68206,
68207, 68208, 68209, 68210, 68211, and
Appendix 1 to Article 1 of Chapter 47
07/13/09 AMEND: 66273.3, 66273.39
06/17/09 AMEND: 926-3, 926-4, 926-5
05/21/09 AMEND: 2601-1

Title 23

09/30/09 AMEND: 3939.2
09/16/09 ADOPT: 2814.20, 2814.21, 2814.22,
2814.23, 2814.24, 2814.25, 2814.26,
2814.27, 2814.28, 2814.29, 2814.30,
2814.31, 2814.32, 2814.33, 2814.34,
2814.35, 2814.36, 2814.37 REPEAL:
2814.20, 2814.21, 2814.22, 2814.23,
2814.24, 2814.25, 2814.26, 2814.27,
2814.28, 2814.29, 2814.30, 2814.31,
2814.32, 2814.33, 2814.34, 2814.35,
2814.36, 2814.37
09/15/09 ADOPT: 2910.1
09/15/09 ADOPT: 3989.9
09/10/09 ADOPT: 490.1, 492.1, 492.2, 492.3,
492.4, 492.5, 492.6, 492.7, 492.8, 492.9,
492.10, 492.11, 492.12, 492.13, 492.14,
492.15, 492.16, 492.17, 493.1, 493.2
AMEND: 490, 491, 492, 493, 494
REPEAL: 495
08/05/09 ADOPT: 3959.2
07/09/09 ADOPT: 3959.3
06/25/09 ADOPT: 3989.8
06/16/09 ADOPT: 3939.36
06/01/09 ADOPT: 2631.2
05/14/09 ADOPT: 2920

Title 25

09/17/09 AMEND: 637
09/17/09 AMEND: 1008
09/08/09 ADOPT: 7980, 7980.1, 7982, 7982.1,
7982.2, 7982.3, 7982.4, 7983, 7983.1,
7983.2, 7983.3, 7983.4, 7983.5, 7984,
7984.1, 7984.2

08/19/09	ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216	Title MPP	09/22/09	AMEND: 40-107, 42-213, 89-130
05/22/09	ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216		08/31/09	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
05/20/09	AMEND: 8217		07/06/09	ADOPT: 31-003, 31-502 AMEND: 31-002
05/13/09	ADOPT: 6932 REPEAL: 6932		06/29/09	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
05/07/09	ADOPT: 6932 REPEAL: 6932			
Title 27				
07/23/09	AMEND: 25204			